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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/523,437	03/10/2000	Kazuhiro Fukuda	SONYJP 3.0-108	5273
530	7590	05/26/2006	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			PAULA, CESAR B	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/523,437	<b>Applicant(s)</b> FUKUDA, KAZUHIRO	
	<b>Examiner</b> CESAR B. PAULA	<b>Art Unit</b> 2178	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 5-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, and 5-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. This action is responsive to the RCE amendment filed on 3/20/2006.

**This action is made Non-Final.**

2. In the amendment, claim 3 has been canceled. Claim 12 has been added. Claims 1-2, and 5-12 are pending in the case. Claims 1, and 7-12 are independent claims.

#### *Priority*

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d), and based on application # 11 076598 filed in Japan on 3/19/1999, which papers have been placed of record in the file.

#### *Drawings*

4. The drawings filed on 3/10/2000 have been approved by the examiner.

#### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, and 5-12 are rejected under 35 U.S.C. 103(b) as being unpatentable over Klingler et al, hereinafter Klingler (USPat.# 5,682,326, 10/28/1997).

Régarding independent claim 1, Klingler teaches collection of selected video reference clips in accordance with a program--*predetermined specification*. The reference clips include reference to source clips including in and out frame points to from a movie. A final movie file, including the selected clips is created in the Quicktime format(*internal format*) — *a shared-scene creation module operable allow the editor to define shared scenes, said shared scenes being virtual scenes formed in accordance with an internal format and used to form the final scenes, each of the shared scenes comprising one or more shared objects that are sharable among the final scenes in accordance with the predetermined specification; a shared-scene processing module operable to enable the editor to select two or more shared scenes to be combined for creating each of the final scenes.* (col.7, lines 9-67, col.13, lines 4-34).

Moreover, Klingler teaches the application of special effects filters, specified in the program, to selected clips by specifying parameters for the frames— *an application creation module operable to describe control information in accordance with the internal format based on said shared scenes set by the editor via said shared-scene creation and processing module* (col.8, lines 19-67).

Moreover, Klingler teaches the organization, and display of the clips into a project window— *an output control module for converting said control information into shared object control information for forming the final scenes in accordance with said predetermined specification* (col.7, lines 21-67).

Régarding claim 2, which depends on claim 1, Klingler teaches the organization of the clips into a meaningful sequence of clips and filters in which they are to appear in a movie in

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accordance to a program's instruction— *said shared-scene processing module further specifies an order of superposition of a plurality of said shared scenes; and said application creation module further describes said control information for controlling an order of superposition of said shared objects used for each of the final scenes as a state of utilization of shared objects in each of the final scenes in accordance with said order of superposition of said shared scenes* (col.7, lines 9-67).

Régarding claim 5, which depends on claim 9, Klingler teaches a program indicating the organization of the clips into a meaningful sequence of clips and filters in which they are to appear in a movie— *controlling utilization of the at least one shared object in each of the final scenes based upon the predetermined specification and the shared scenes* (col.7, lines 9-67).

Claim 5-6 are directed towards a method for implementing the steps of claims 1-2 respectively, and therefore are similarly rejected.

Claim 7 is directed towards an apparatus for implementing the method of claim 1, and therefore is similarly rejected.

Claim 8 is directed towards an apparatus for implementing the method of claim 1, except for *the creation of broadcast content* information, which is taught by Klingler's allowing people owning a file of the movie in Quicktime format for display—... (col.13, lines 16-34).

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Claims 9-10 are directed towards a method similar to the steps of claims 1, and 8, and therefore are similarly rejected.

Claim 11 is directed towards a memory device for storing instruction, and for implementing the method of claim 1, and therefore is similarly rejected.

Regarding independent claim 12, Klingler teaches the definition, and creation video clips. The clips include in and out frame points from a movie— *a shared-scene creation module operable to allow the editor to define intermediate scene templates accordance with an internal format that include one or more shared objects that are sharable in an always on or always off manner among final scenes in accordance with a predetermined, industry-standard specification* (col.6, lines 40-67).

Moreover, Klingler teaches the collection video clips. The collection includes reference clips having reference to source clips including in and out frame points to from a movie.— *a shared-scene processing module operable to enable the editor to combine two more of the intermediate scene templates to form a desired final scene that is a combination of the shared objects contained within the editor-selected intermediate scene templates* (col.7, lines 9-67).

Moreover, Klingler teaches the application of special effects filters to selected clips by specifying parameters for the video frames. The clips contain objects, such as ledger, glaciers, etc. which are either displayed or not displayed according to in/out points—*an application creation module operable to form shared-scene definition statements of shared objects files in*

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*accordance with the internal format an application, the shared object files comprising shared objects from the combined editor-selected intermediate scene templates (col.8, lines 19-67, col.7, lines 9-67).*

Moreover, Klingler teaches the organization, and display of the reference clips (which have references to the source clips) into a project window—*an output control module for providing description files that include descriptions of links for controlling the shared objects from the shared object files from each editor-selected intermediate scene template, the description files forming a script that complies with the industry-standard specification to control the display of the shared objects in the final scenes*(col.7, lines 21-67).

### ***Response to Arguments***

7. Applicant's arguments filed 2/3/2006 have been fully considered but they are moot. The Applicants indicate that none of the prior art teaches the subject matter in the claims (pages 10-14). The arguments are moot in light of the new ground of rejections included above.

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***Conclusion***

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Klingler et al. (Pat. # 5,404,316 A).

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://portal.uspto.gov/external/portal/pair>. Should you have any questions about access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866 217-9197 (toll-free).

Any response to this Action should be mailed to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Or faxed to:

- (571)-273-8300 (for all Formal communications intended for entry)

  
CESAR PAULA  
PRIMARY EXAMINER

5/24/06